UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/908,947	07/18/2001	Michael Kirkwood	50325-0529 (3858)	1924

29989	7590	06/29/2005	EXAMINER	

HICKMAN PALERMO TRUONG & BECKER, LLP
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110

TO, BAO TRAN N

ART UNIT	PAPER NUMBER
2135	

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/908,947	KIRKWOOD ET AL.
	Examiner	Art Unit	
	Bao Tran N. To	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 April 2005</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-3,5-14,16-24,26-34 and 36-42</u> is/are pending in the application.

    4a) Of the above claim(s) <u>4,15,25 and 35</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-3,5-14,16-24,26-34 and 36-42</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20050620</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

04/29/2005 has been entered.

This Office action responds to the applicant's amendment filed on 04/29/2005. In

this amendment, applicant amended Claims 1-3, 5-14, 16-24, 26-34, and 36-42 and

canceled Claims 4, 15, 25 and 35. Claims 1-3, 5-14, 16-24, 26-34, and 36-42 remain for

examination.

Information Disclosure Statement

2.   The information disclosure statement (IDS) submitted on 02/15/2005 was filed

after the mailing date of the Final Office action on 01/27/2005. The submission is in

compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure

statement is being considered by the examiner.

Response to Arguments

3.   Applicant's arguments filed 04/29/2005 with respect to the rejections based on

Povillus, have been fully considered but they are not persuasive.

Applicant argues, "Therefore, in order to show the feature of Claim 1 of designating a first

concept as a nonnative concept that relates the single entity to other entities of the enterprise, the Office

Action must also show that a "Definer" for an entity in POVILUS relates this entity to at least one other

entity. POVILUS, however, does not disclose any such feature. As shown in the passage from POVILUS

quoted above, neither a "Phrase" nor a "Definer" relates any entities. The "Phrases" and "Definers" are

used in a glossary to facilitate an easier search of an electronic catalog. More specifically, a "Phrase" is

used to make it easy to locate a "Definer" by using a search that utilizes words or word fragments.

Similarly, a "Definer" which is a "Phrase" with exactly one definition, is used to give meaning to nodes in a

concept structure and to provide a bridge of understanding between the provider of the products and the

seeker of the products represented in the concept structure. Further, while a "Definer" is "Phrase" that

has a definition and "a unique association to a node in the concept structure for a product realm" (see

POVILUS, col. 8, lines 28-29), the "Definer" does not have any means to relate a node, such a particular

product in the product realm, to another entity, such as another product or service provided by the

enterprise. For these reasons, it is abundantly clear that a "Definer", as taught by POVILUS, is used only

to define and describe a characteristic of a product. Thus, a "Definer" cannot possibly be equivalent to a

normative concept as featured in Claim 1, and relating a "Definer" to one or more synonym "phrases"

cannot possibly be equivalent to the feature of Claim 1 of designating a first concept of the plurality of

corresponding concepts as normative concept that is used to relate the single entity to other entities of

the enterprise."

Examiner respectfully disagrees with this above argument. Povilus clearly

teaches, "FIG. 13 shows the glossary portion of the KnowledgeBase. As described

above, the glossary includes a plurality of Phrases 200, some of which are Definers

202, which may be used as synonyms that are linked to Definers 202. A Quantity 204 is

a Definer 202 that represents a numerically measurable feature of a product, like an

overall height, nominal voltage, maximum capacity, etc. Each Quantity 204 is related to

exactly one SIItem 206......... FIG. 14 shows how the KnowledgeBase concept

structures are related to the glossary. It includes a use relation for association a Definer

202 with one or more Concepts 170. It also includes a relationship for relating a

specified Real Differentia 180 to a specific SIUnit(s) 208" (col. 16, lines 20-40).

Therefore, A "Phrase" is a "Definer" and also a "Quantity" which has the relationship

with other entities "SIItem, 206" and "Concept, 170" (Fig. 14).

Applicant argues "The above feature of Claim 1 recites that the response includes content

not just from any file, but from a file that is associated in the database with the first (normative) concept:

In other words, among other elements, the above feature of Claim 1 comprises: (1) a file and a normative

concept that are associated in the database of concepts and relationships, and (2) a response that

includes contents of the file. In contrast, POVILUS does not describe any such feature. The Office Action

equates the normative concept of Claim 1 with a "Definer" in POVILUS. Thus, in order to show the above

feature of Claim 1, the Office Action needs to show that a "Definer" is associated in the database with a

file. However, nothing in POVILUS indicates that a "Definer" may be associated with any files in the

database. As pointed out above, a "Definer" is used only to define and describe a characteristic of a

product. Nothing in POVILUS even suggests that the database may store any information that indicates

an association between a "Definer" and a file." Examiner respectfully disagrees with this

contention. Povilus explicitly discloses "the computer may respond with the following

three choices: highest (ultrapure) [Distillation Systems], low-density foam [Insulation],

plastic ultralight foam, ultrasonic [Level Sensors]. These choices highlight the

integrated glossary function of the present invention, which is illustrated in FIG. 5. The

portion of the listed choices in brackets represents the product realm in which the listed

term(s) are utilized to describe product characteristics. Any word appearing in

parenthesis is a Definer used to define the immediately preceding term. As described

above, a 'Definer' is a Phrase that has a definition and a unique association to a node in

the concept structure for a product realm" (col. 8, lines 15-30). Furthermore, the

concept structure for a product realm is associated in the product database (col. 3, lines

40-55). Therefore, the rejection basis dated 01/27/2005 for Claims 1, 12, 22, 32 and 42

is maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-3, 5-14, 16-24, 26-34, and 36-42 are rejected under 35 U.S.C. 102(b)

as being anticipated by Povilus (U.S. Patent 5,740,725) herein referred to as Povilus.

Regarding on Claims 1, 12, and 22, Povilus discloses a method of responding to

a request for data about an enterprise (col. 3, lines 10-30), the method comprising the

steps of:

storing a plurality of names for a single entity associated with the enterprise as a

first plurality of corresponding concepts in a database of concepts and relationships

among concepts (Fig 10-14), which database (product database) describes a plurality of

entities (nodes) associated with the enterprise (data structure), wherein each name of

the plurality of names is associated with a particular concept of the first plurality of

corresponding concepts (col. 3, lines 10-55);

designating a first concept (Phrase) of the first plurality of corresponding

concepts as a normative concept (Definer) (col. 7, lines 10-25),

wherein the normative concept (Quantity 204 is Definer 202) is used to relate the

single entity (Concept 170 or SIItem 206) to other entities (Concepts 170 and SIItem

206) of the enterprise (col. 16, lines 20-40, Fig. 14);

receiving a request including data indicating a particular name of the plurality of

names, wherein the request does not include data indicating a first name corresponding

to the first concept (Phrase) (col. 8, lines 5-20); and

in response to receiving the request, sending a response including content of a

file (search result) associated in the database (product database) with the first concept

(Phrase) (col. 8, lines 5-65).

Regarding on Claim 32, Povilus discloses a system for responding to a request

for data about an enterprise, the system comprising:

a database (product database) of concepts and relationships among concepts describing a plurality of entities (nodes) associated with the enterprise (data structure) (col. 3, lines 3-30), and

a processor configured to perform the steps: of storing a plurality of names for a single entity (node) associated with the enterprise as a first plurality of corresponding concepts in the database, wherein each name of the plurality of names is associated with a particular concept of the first plurality of corresponding concepts (Fig 10-14); indicating a first concept (Phrase) of the first plurality of corresponding concepts as a normative concept (Definer) (col. 7, lines 10-25);

wherein the normative concept (Quantity 204 is Definer 202) is used to relate the single entity (Concept 170 or SIItem 206) to other entities (Concepts 170 and SIItem 206) of the enterprise (col. 16, lines 20-40, Fig. 14);

receiving a request including data indicating a particular name of the plurality of names, wherein the request does not include data indicating a first name corresponding to the first concept (Phrase) (col. 8, lines 5-20); and

in response to receiving the request, sending a response including content of a file (search result) that is associated in the database (product database) with the first concept (Phrase) (col. 8, lines 10-65).

Regarding on Claims 2, 13, 23 and 33, Povilus discloses the limitations as discussed in Claims 1, 12, 22, and 32 above. Povilus further discloses:

storing in the database a first relationship of a first relationship type, the first

relationship defined for the first concept and an alternative concept of the first plurality of

corresponding concepts (col. 6, lines 10-50); and

storing in the database a second relationship of a second relationship type

between the first concept and a second concept not among the first plurality of

corresponding concepts, wherein the second concept indicates the content included in

the response (col. 6, lines 10-25).

Regarding on Claim 3, 14, 24 and 34, Povilus discloses the limitations as

discussed in Claims 2, 13, 23 and 33 above. Povilus further discloses:

the particular name corresponds to a particular alternative concept of the first

plurality of corresponding concepts (col. 8, lines 15-35); and

the database does not include a relationship defined for the second concept and

the particular alternative concept (col. 7, lines 15-30, col. 14, lines 30-65).

Regarding on Claims 5, 16, 26 and 36, Povilus discloses the limitations as

discussed in Claims 1, 12, 22, and 32 above. Povilus further discloses, wherein the

plurality of names include at least one of a synonym for the first name corresponding to

the first concept, an acronym for the first name, and a translation of the first name into a

different language than a language of the first name (col. 7, lines 5-30).

Regarding on Claims 6, 17, 27 and 37, Povilus discloses the limitations as

discussed in Claims 2, 13, 23 and 33 above. Povilus further discloses, wherein the first

relationship includes an attribute indicating the alternative concept is one of a synonym

for the first concept, an acronym for the first concept, and a translation into a different

language than a language of the first name corresponding to the first concept (col. 7,

lines 5-30).

Regarding on Claims 7, 18, 28 and 38, Povilus discloses the limitations as

discussed in Claims 5, 16, 26 and 36 above. Povilus further discloses, wherein the

plurality of names includes the synonym for the first name (col. 7, lines 10-30); and

wherein the synonym for the first name includes a misspelling of the first name (col. 8,

lines 25-60).

Regarding on Claim 8, Povilus discloses the limitations as discussed in Claim 5

above. Povilus further discloses, wherein the plurality of names includes the synonym

for the first name (col. 7,lines 10-30); and wherein a synonym for the first name

comprises an acronym of the first concept or a translation into a different language than

a language of a first name corresponding to the first concept (col. 7, lines 1-15).

Regarding on Claim 9, 19, 29 and 39, Povilus discloses the limitations as

discussed in Claims 1, 12, 22 and 32 above. Povilus further discloses, adding a name

to the plurality of names based on the data included in the request (col. 36, lines 5-25

and col. 37, lines 15-55).

Regarding on Claims 10, 20, 30 and 40, Povilus discloses the limitations as

discussed in Claims 1, 12, 22 and 32 above. Povilus further discloses, wherein the

entities include at least one of a set of products of the enterprise, a set of services of the

enterprise and a set of activities of the enterprise (col. 3, lines 10-35).

Regarding on Claims 11, 21, 31 and 41,Povilus discloses the limitations as

discussed in Claim 10, 20, 30 and 40 above. Povilus further discloses, wherein the set

of activities of the enterprise include at least one of administration, research, marketing,

joint ventures and documentation (col. 10, lines 25-40).

Regarding on Claim 42, Povilus discloses a method of responding to a request

for data about an enterprise using a data store that comprises a stored plurality of

names for a single entity (node) associated with the enterprise (data structure) (col. 7,

lines 10-30),

a first plurality of corresponding concepts in a database of concepts and

relationships among concepts (col. 6, lines 10-50),

which database describes a plurality of entities (nodes) associated with the

enterprise, and wherein a first concept (Phrase) of the first plurality of corresponding

concepts is identified as a normative concept (Definer) (col. 7, lines 10-30),

wherein the normative concept (Quantity 204 is Definer 202) is used to relate the

single entity (Concept 170 or SIItem 206) to other entities (Concepts 170 and SIItem

206) of the enterprise (col. 16, lines 20-40, Fig. 14);

the method comprising the computer-implemented steps of: receiving a request

including data indicating a particular name of the plurality of names, wherein the request

does not include data indicating a first name corresponding to the first concept (col. 8,

lines 5-20); and

in response to receiving the request, sending a response including content from

a file (search result) that is associated in the database (product database) with the first

concept (Phrase) (col. 8, lines 15-45).

Prior Art

5.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Rofrano (U.S. Patent 6,324,536 B1) discloses a system for collecting,

categorizing and searching metadata about products which may be the subject of user-

input inequality searches. Unique methods are provided for: generating image

information at the user interface; inputting of the inequality search; conducting an

inequality search based on the metadata in response to input at the user interface; and;

displaying the search results appropriately.

Contact Information

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Tran N. To whose telephone number is 571-272-8156. The examiner can normally be reached on Monday-Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bao Tran N. To
Patent Examiner
06/23/2005
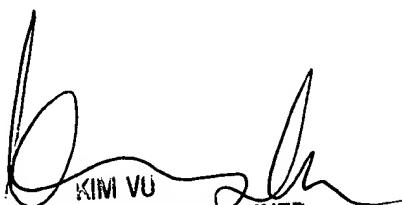
KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100